

**United States District Court**

for the

**Eastern District of Washington**FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**Feb 25, 2022**

SEAN F. MCAVOY, CLERK

**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Justin Richard Byers

Case Number: 0980 2:16CR00116-TOR-1

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Thomas O. Rice, U.S. District Judge

Date of Original Sentence: February 28, 2017

Original Offense: Possession with Intent to Distribute 100 Grams or More of Heroin, 21 U.S.C. § 841(a)(1), (b)(1)(B)(I)

Original Sentence: Prison - 60 months;  
TSR - 72 months

Type of Supervision: Supervised Release

Revocation Sentence: Prison - 6 months  
(August 12, 2021) TSR - 66 months

Asst. U.S. Attorney: Caitlin A. Baunsgard

Date Supervision Commenced: January 25, 2022

Defense Attorney: Jay McEntire

Date Supervision Expires: July 24, 2027

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**PETITIONING THE COURT**

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To issue a **warrant**.

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number      Nature of Noncompliance

- 1      **Special Condition #4:** You must undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare upon further order of the court. You must contribute to the cost of treatment according to your ability to pay. You must allow full reciprocal disclosure between the supervising officer and treatment provider.

**Supporting Evidence:** It is alleged that Justin Byers violated the terms of his supervised release by failing to attend a substance abuse treatment on or about February 11, 2022.

On January 25, 2022, supervision commenced in this matter. Due to the COVID-19 pandemic and Mr. Byers claiming he was ill, a supervision intake was completed by phone on January 26, 2022. He verbally acknowledged an understanding of the conditions imposed by the Court. On January 31, 2022, he reported to the probation office and signed a copy of his judgment.

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On January 27, 2022, Mr. Byers completed a substance abuse assessment with Pioneer Human Services (PHS). He was then enrolled in intensive outpatient substance abuse treatment.

On February 11, 2022, the undersigned officer was advised by PHS staff that Mr. Byers failed to attend a substance abuse treatment group session that same day.

- 2      **Special Condition #7:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

**Supporting Evidence:** It is alleged that Justin Byers violated the terms of his supervised release by consuming a controlled substance, methamphetamine, on or about February 17, 2022.

On January 25, 2022, supervision commenced in this matter. Due to the COVID-19 pandemic and Mr. Byers claiming he was ill, a supervision intake was completed by phone on January 26, 2022. He verbally acknowledged an understanding of the conditions imposed by the Court. On January 31, 2022, he reported to the probation office and signed a copy of his judgment.

On February 22, 2022, during a phone call with Mr. Byers, he admitted that he had consumed alcohol which led to him consuming methamphetamine on or about February 17, 2022.

- 3      **Special Condition #6:** You must not enter into or remain in any establishment where alcohol is the primary item of sale. You must abstain from alcohol and must submit to urinalysis and Breathalyzer testing as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from this substance.

**Supporting Evidence:** It is alleged that Justin Byers violated the terms of his supervised release by consuming alcohol, on or about February 17, 2022.

On January 25, 2022, supervision commenced in this matter. Due to the COVID-19 pandemic and Mr. Byers claiming he was ill, a supervision intake was completed by phone on January 26, 2022. He verbally acknowledged an understanding of the conditions imposed by the Court. On January 31, 2022, he reported to the probation office and signed a copy of his judgment.

On February 22, 2022, during a phone call with Mr. Byers, he admitted that he had consumed alcohol which led to him consuming methamphetamine, on or about February 17, 2022.

- 4      **Special Condition #7:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

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**Supporting Evidence:** It is alleged that Justin Byers violated the terms of his supervised release by failing to appear for a urinalysis, on or about February 22, 2022.

On January 25, 2022, supervision commenced in this matter. Due to the COVID-19 pandemic and Mr. Byers claiming he was ill, a supervision intake was completed by phone on January 26, 2022. He verbally acknowledged an understanding of the conditions imposed by the Court. On January 31, 2022, he reported to the probation office and signed a copy of his judgment.

On February 22, 2022, during a phone call with Mr. Byers, he admitted that he had consumed alcohol which led to him consuming methamphetamine on or about February 17, 2022. As a result, he was directed to report to PHS, to submit to urinalysis testing that same day. PHS reported that Mr. Byers failed to submit to urinalysis testing on February 22, 2022.

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**Standard Condition #2:** After initially reporting to the probation office, you will receive instructions from the Court or the probation officer about how and when to report to the probation officer, and you must report to the probation officer as instructed.

**Supporting Evidence:** It is alleged that Justin Byers violated the terms of his supervised release by failing to report the probation office as directed, on or about February 24, 2022.

On January 25, 2022, supervision commenced in this matter. Due to the COVID-19 pandemic and Mr. Byers claiming he was ill, a supervision intake was completed by phone on January 26, 2022. He verbally acknowledged an understanding of the conditions imposed by the Court. On January 31, 2022, he reported to the probation office and signed a copy of his judgment.

On February 22, 2022, during a phone call with Mr. Byers, he admitted he had consumed alcohol which led to him consuming methamphetamine on or about February 17, 2022. As a result, he was directed to report to PHS to submit to urinalysis testing that same day. PHS reported Mr. Byers failed to appear for a urinalysis on February 22, 2022.

He was also directed to report to the U.S. Probation Office on February 24, 2022.

On February 24, 2022, Justin Byers failed to report to the probation office as directed.

The U.S. Probation Office respectfully recommends the Court issue a **warrant** requiring the offender to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 02/25/2022

s/Melissa Hanson

Melissa Hanson

U.S. Probation Officer



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THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other



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Thomas O. Rice  
United States District Judge

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February 25, 2022

Date